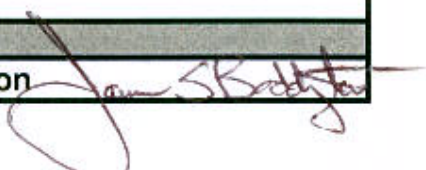




**SOUTHERN REGIONAL POLICE DEPARTMENT**  
YORK COUNTY, PENNSYLVANIA

**GENERAL ORDER 4.11**

<b>Subject</b>		
<b>Public Information and Right to Know Law</b>		
<b>Date of Issue</b>	<b>Effective Date</b>	<b>Expiration Date</b>
01/21/2011	02/04/2011	Until Amended or Rescinded
<b>PLEAC STANDARD Reference</b>		
4.11.1		
<b>Amends</b>	<b>Rescinds</b>	
	All previous orders relative to subject	
<b>Index Words</b>		
<b>Distribution: All personnel</b>		
<b>Effective By Order of Chief of Police</b>	James S. Boddington 	

This order consists of the following sections:

4.11.1 Public Information and Right-to-Know

I. Purpose

January 1, 2009 Act 3 of 2008, the Right-to-Know Law became effective. This Act provided for access to public information, for a designated opens-record officer for each local agency, for procedure and appeal of agency determination, for judicial review, and for the Office of Open Records. This general order is implemented for the purpose of this department complying with the procedures set forth in the Opens Records Law.

II. Policy

It shall be the policy of the department that all personnel comply with the provisions of this general order.

4.11.1 Public Information and Right-to-Know

A. Providing public records

1. The department will provide public records in accordance with the Pennsylvania Right-to-Know Law.

a. Definition of Public Records:

1.) A record, including a financial record, of a local agency that:

a.) Is not exempt under section 708 of the Right-to-Know Law

- b.) Is not exempt from being disclosed under any other Federal or State law or regulation or judicial order or decree
- c.) A record that is not protected by a privilege

B. Designation of an open records officer

1. The Southern Police Commission shall designate the open records officer of the department.
  - a. The open records officer designated by the Southern Police Commission shall work in conjunction with the Criminal History Records Officer for criminal history records information act requests or other requests where the information requested would not be lawfully accessible by the open records officer.
2. Functions:
  - a. The open records officer shall receive requests submitted to the agency under the Right-to-Know Law, direct requests to other appropriate persons within the agency or to appropriate persons in another agency.
  - b. The open records officer will track the department's progress in responding to requests and issue interim and final responses under this act.
  - c. Upon receiving a request for a public record(s), the open records officer will do the following:
    - 1.) Note the date of receipt on the written request
    - 2.) Compute the day on which the five-day period under section 901 of the Right-to-Know Law will expire and make a notation of that date on the written request.
    - 3.) Maintain an electronic or paper copy of a written request, including all documents submitted with the request until the request has been fulfilled.
      - a.) If the request is denied, the written request shall be maintained for 30 days or, if an appeal is filed, until final determination is issued under section 1101(b) or the appeal is deemed denied.

C. Posting requirements

1. The following information will be posted at the department and, if operational, an Internet Website for the department:
  - a. Contact information for the open-records officer
  - b. Contact information for the Office of Open Records or other applicable appeals officer.
  - c. The Open Records Request form (Attachment A).
  - d. Regulations, policies and procedures of the department relating to the Right-to-Know law.

#### D. Prohibitions

1. No policy or regulation of the department shall include any of the following:
  - a. A limitation on the number of records which may be requested or made available for inspection or duplication
  - b. A requirement to disclose the purpose or motive in requesting access to records.

#### E. Fees

1. If a written request for records is granted, the fees will be assessed in accordance with the fee schedule promulgated by the Pennsylvania Office of Open Records. That fee schedule can be found at <http://openrecords.state.pa.us>. As provided by 65 P.S. §67.1307, the department is authorized to charge requestors reasonable fees for necessary incurred costs. The department will determine and charge fees on a case by case basis and shall maintain a current fee assessment list. Fees may include:
  - a. Cost per page for duplication
  - b. Costs for record certification
  - c. Actual costs for postage, facsimile or other media, and for duplication of specialized records
2. Should the department determine that the applicable fees are projected to exceed \$100.00, the requester shall be required to prepay the fees and must clear before the payment is considered received by the department.

All fees must be paid by certified check, bank check, or money order made payable to the "Southern Regional Police Department."

#### F. Requests

1. Written requests to the department under the RTKL must:
  - a. Be addressed to department open records officer at:  
  
Southern Regional Police Department  
ATTN: Department Open Records Officer  
47 E. High St.  
New Freedom, PA 17349
  - b. Identify a name and address to which the department should address a response;
  - c. Indicate that the request is being made pursuant to the Right-to-Know-Law and be submitted in person, by mail, email at [admin@srrpd.us](mailto:admin@srrpd.us), or facsimile to 717-235-1609;
  - d. Be from a person that is a legal resident of the United States;
  - e. Be specific to enable the department to ascertain which records are being requested.
2. Right-to-Know-Law requests may be on the form available at the Office of Open Records website, the Southern Regional Police Department, or the police department website.

3. Verbal requests may be fulfilled by the department however the requester cannot pursue the relief and remedies provided under the Pennsylvania Right-to-Know-Law unless the request is in writing.
4. Regular business hours of the department's open records officer are Monday through Friday 8:00 am to 4:00 pm and closed on holidays. Any Right-to-Know-Law requests received by the department after the close of regular business hours shall be deemed to have been received by that office on the following regular business day. The chief of police may designate an alternate should the open records officer not be available.
5. Right-to-Know-Law requests received by the Southern Regional Police Department will be considered public record and such requests may be made available for public access through available means, including the department's website.

#### G. Responses

1. The department may send written responses to requesters by United States mail, by pick up in person or delivery, by facsimile, or by email. The written response will provide notice to the requestor granting, denying, or partially granting access to the requested record.
2. The department shall comply with the with the Right-to-Know-Law which requires that the department respond to the request within five business days. Should the department require a longer period of time to prepare the request the department shall issue an interim response within the five business days. The first day of the five business day period shall be the department's next business day after receipt of the request.
3. The department shall respond to requests in the following manner:

- a. Interim Response

An interim response shall be issued within five business days of the request if the final request cannot be completed within the five days due to the need for any of the following:

- 1.) Redaction of a public record
- 2.) The request cannot be completed due to legitimate staffing limitations
- 3.) A legal review is necessary to determine if the record requested is subject to access under the Right-to-Know Law
- 4.) The request has not complied with the department's general order regarding access to public records
- 5.) The requestor has not complied with prepayment of fees. Failure of the requestor to make payment within 30 days of the interim notice shall deem the request to be withdrawn.
- 6.) The extent or nature of the request precludes a response within the required time period.
- 7.) The request requires retrieval from a remote location

An interim response must be sent to the requester on or before the last day of the five business days, explain the reason for the interim response, give an estimate of

fees if applicable, give an estimate date of final response that should not exceed 30 calendar days from the end of the five business day period.

b. Final Responses

A final response shall consist of granted, denied, or granted in part and denied in part. The response should be on forms provided by the Pennsylvania Office of Open Records (Attachments B, C, or D). The failure to make a timely response is deemed to be a denial. If a request is denied or in part, the department response shall include an explanation of the appeal procedure and the specific reasons for denial.

If the department is unable to produce records after a good faith search, the non-production of records shall not be a denial of access.

The Right-to-Know Law, 65 P.S. §§ 67.101-67.3104 and the Criminal History Record Information Act, 18 Pa.C.S. §§ 9101-9183, specifies that records involving covert law enforcement investigations, intelligence gathering and analysis are exempt from public disclosure and this department may neither confirm or deny the existence of such records to protect investigations and individuals.

c. Redaction

The department shall redact the portions of public records that are not public access records should a record contain public and non-public access records. The department shall not deny requests based on the fact that portions of the record are not public access records.

d. Access

The department may provide a requester with access to inspect a record within the department in a room at the discretion of the department or by providing copies of the record following Right-to-Know Law and this general order.

e. Duplication of Public Records

The department shall have the discretion of duplicating the requested public records itself or contract for duplication services and require the requester to pay the applicable rate.

H. Appeals

If the department denies a record, or a portion of a record, the requester can file an appeal with the Office of Open Records. The appeal must be submitted to the Office of Open Records and simultaneously to the department open records officer within 15 business days of the mailing date of the department's response. Appeals should be sent to:

1. The Office of Open Records  
Commonwealth Keystone Building  
400 North St., 4th Floor, Harrisburg, PA 17120-0225

Appeals may also be submitted via facsimile to 717-425-5343 or via email to [openrecords@state.pa.us](mailto:openrecords@state.pa.us) as a Microsoft Word or PDF attachment.

2. Southern Regional Police Department  
ATTN: Department Open Records Officer  
47 E. High St.  
New Freedom, PA 17349  
Facsimile 717-235-1609  
Email [admin@srpd.us](mailto:admin@srpd.us)

All appeals must be in writing and shall include the following information that should be submitted using the Appeals Forms found on <http://openrecords.state.pa.us>

- A copy of the Right-to-Know Request
- A copy of the denial letter submitted by the Agency - If the agency does not respond in writing within five business days, the request is "deemed denied" and can be appealed.
- State the grounds you believe the record is a public record
- Address any grounds that the Agency raised in its denial

The Office of Open Records will only docket an appeal and assign an appeals officer when all of this information has been received.

When the Office of Open Records receives the appeal, it has 30 days to respond from the date of receipt of the appeal to issue a Final Determination.

The Office of Open Records may conduct a hearing (which is a non-appealable decision). It may decide the case on the basis of the information filed with the Office. It may seek additional information from the involved parties. In most cases, the Office of Open Records will issue a Final Determination based on information provided to our Office without conducting a hearing.

When the Office of Open Records issues a Final Determination it is binding on the agency. If the agency or the requester want to appeal the ruling of the Office of Open Records, the appeal must be filed with the appropriate court within 30 days of the mailing of the final determination by the Office

For further information on appeals, it is suggested that the requester review the Pennsylvania Office of Open Records website at <http://openrecords.state.pa.us>

*Pennsylvania's Right-to-Know Law, Act 3 of 2008, can be viewed at the Pennsylvania Office of Open Records website [https://www.dced.state.pa.us/public/oor/pa\\_righttoknowlaw.pdf](https://www.dced.state.pa.us/public/oor/pa_righttoknowlaw.pdf)*

The forms listed below are attachments to the general order and were obtained from the Pennsylvania Office of Open Records website at <http://openrecords.state.pa.us>. These forms are subject to change by the Office of Open Records.

Attachments: [Standard Right-to-Know Request Form](#)  
[Right-to-Know Response Form \(Granted\)](#)  
[Right-to-Know Response Form \(Granted in Part / Denied in Part\)](#)  
[Right-to-Know Response Form \(Denial\)](#)

The [General Appeal Form](#) and the [Deemed Denied Appeal Form](#) are available at the open records website <http://openrecords.state.pa.us> under "Forms" and department personnel should print and supply to a requester if requested.